

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)
)
 v.) CR. NO.: 05-40033-FDS
)
 THOMAS VIGLIATURA et al.)

GOVERNMENT'S MOTION FOR A TELEPHONIC STATUS CONFERENCE

The government requests that the Court hold a telephonic status conference to address an issue regarding the sentencing of the defendants. The defendants are scheduled to be sentenced at separate times but all of the defendants have a common interest in the amount of drugs that should be attributed to the conspiracy. While the government assumes that each defendant will make arguments about the scope of his agreement, the starting point and the ceiling for at least three defendants will be the total amount of drugs that the Court determines were involved in the conspiracy. (Arroyo's base offense level may be dictated by USSG §2D1.2 and not be dependent on the amount of drugs involved.) The government intends to call at least one witness to testify on this point.

The government requests a telephone conference so that the Court can determine the most efficient manner in which to proceed. The government believes the parties should attempt to avoid multiple evidentiary hearings and potentially inconsistent results. Accordingly, the government respectfully requests that the Court hold a telephonic status conference on this issue.

Attorneys for defendants Benedict, Arroyo and Vigliatura assent to this Motion. The government has been unable to reach the attorney for defendant McLoughlin.

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney

By:

DATED: June 13, 2007

/S/ George W. Vien
George W. Vien
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U.S. Department of Justice

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and a paper copy will be sent to those indicated as non-registered participants on this date.

/s/ George W. Vien

Dated: June 13, 2007